

REMARKS

Claims 1-26 and 28-45 are pending. Claims 1, 21, 33, 34, 43, and 44 are independent. Claims 1-3, 8-14, 16, 21, 24, and 33-45 have been amended. No new matter is presented.

Claim 46 was previously withdrawn without prejudice in a Response to a Restriction Requirement dated January 6, 2009. Applicant reserves the right to present this claim in a divisional patent application.

Applicant conducted a telephonic interview with Examiner Vu and Examiner Abdul-Ali on May 27, 2009. During this interview, the subject matter of claim 1 was discussed in light of the cited reference Barrett. Potential claim amendments were discussed. No agreement was reached. Applicant would like to thank Examiner Vu and Abdul-Ali for the telephonic interview.

Claims 1-4, 17-20 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,117,439 (Barrett) in view of U.S. Pub. No. 2001/0033296 (Fullerton). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Barrett in view of Fullerton and further in view of U.S. Pub. No. 2004/0162642 (Gasper). Claims 6-16 were rejected over Barrett, Fullerton, and U.S. Patent No. 6,452,609 (Katinsky), claims 21, 23-26, 28-32, 34-42, 44 and 45 were rejected over Barrett in view of Katinsky, and claims 22 and 43 were rejected over Barrett, Katinsky and Gasper. Reconsideration and withdrawal of the rejections are respectfully requested.

Claim 1 recites a method comprising generating a first phase of a single multiphase advertisement comprising dimension information, the multiphase advertisement including a streaming media component, the first phase including a graphical interface having a first dimension defined by the dimension information, and generating a second phase of the single multiphase advertisement in which the graphical interface has a second dimension that is different from the first dimension of the first phase, the second dimension defined by the dimension information, the graphical interface includes a streaming media component space. A streaming media component is built using a software player engine in accordance with a design of the single multiphase advertisement's graphical interface by which at least a set of core media player variables and a set of core media player controls are predefined, the streaming media component including a link to streaming media content. The streaming media component is

incorporated into the streaming media component space of the graphical interface in the second phase of the single multiphase advertisement so that streaming media is integrated into the single multiphase advertisement in the second phase of the single multiphase advertisement's graphical interface.

Since, as is discussed in more detail below, the applied art fails to teach, suggest or disclose multiple claim elements, the references, alone or in combination, cannot form the basis of a proper § 103 rejection. More particularly, the applied art fails to teach, suggest or disclose a single multiphase advertisement which includes a first phase and a second phase, in the first phase of the multiphase advertisement a graphical interface has a first dimension and in the second phase the graphical interface has a second dimension that is different than the first dimension of the first phase.

Barrett describes a display device having a display screen on which a banner advertisement is displayed and then a video advertisement is displayed. Although these advertisements may be related to the same subject matter (see, e.g., Barrett, col. 4, lines 32-34), these advertisements are separate, independent advertisements. Specifically, there are two (or more) independent advertisements that Barrett displays: i.e.1) a banner advertisement; and 2) a video advertisement. Barrett does not disclose a single multiphase advertisement, the multiphase advertisement including a streaming media component, as recited in claim 1. Barrett further does not disclose the first phase of the multiphase advertisement including a graphical interface having a first dimension and a second phase of the single multiphase advertisement in which the graphical interface has a second dimension that is different from the first dimension of the first phase. Barrett discloses two independent advertisements - a banner advertisement and a video advertisement. Each of Barrett's separate advertisements do not include information to resize the advertisement - they are single phase, independent, and distinct advertisements.

Barrett merely describes an interface which consists of an advertisement box (116) that has a constant unvarying physical dimension specified by its coordinate information. Barrett discloses that the advertisement box can display both banner and video advertisements. Specifically, Barrett states, in col. 11, line 62 - col. 12, line 3, that advertisement box 116 "is configured to display both banner advertisement 118a-118n and video advertisements 120a-120n to the viewer." Barrett does not, however, disclose that advertisement box 116 changes from a

first dimension to a second dimension when transitioning between a banner advertisement and a video advertisement. Barrett uses the same graphical interface with the same physical dimension, regardless of whether Barrett is displaying a banner advertisement or a video advertisement. The advertisement box 116 consumes the same amount of space regardless of whether a banner advertisement or a streaming advertisement is being displayed in the advertisement box 116. The coordinate information is described as setting the size of the advertisement box 116, but there is no disclosure in Barrett that the size of the advertisement box 116 can vary depending on whether a banner or video is to be displayed. Barrett does not describe in any way how the box 116 would change to a different size for a banner advertisement or a video advertisement being displayed in the advertisement box 116.

Further, the coordinate information of the advertisements in Barrett is not stored in Barrett's advertisements themselves as presently claimed. Instead, Barrett's Barrett teaches that advertisement box 116 contains coordinate information that defines the space within which video advertisements or banner advertisements are displayed. (See, e.g., Barrett, col. 11, line 62 - col. 12, line 4). Barrett's video advertisements and Barrett's banner advertisements do not contain dimension information themselves to define each of their respective dimensions, as recited in amended independent claim 1.

Amended independent claim 1 also recites, in part:

building the streaming media component using a software player engine in accordance with a predefined design of the multiphase advertisement's graphical interface by which at least a set of core media player variables and a set of core media player controls are predefined, the streaming media component including a link to streaming media content;

The Office Action states that Barrett does not disclose the above claim element and relies on Fullerton to cure the deficiencies of Barrett. Fullerton does not, however, cure the deficiencies of Barrett. In particular, the Office Action states (Page 3) that Fullerton discloses, at page 4, paragraph [0043] and page 9, paragraphs [0181]-[0183], "using the QuickTime 4.0 media engine to build a streaming media component with a predefined design including media player variables (size of window) and media player controls (play, pause) are predefined, including a link (hotspot) to streaming media content."

Fullerton does not disclose the above claim element. In particular, Fullerton's discourse player 225 utilizes the QuickTime 4.0 media engine as its media player. Fullerton also discloses a toolbar that contains buttons (e.g., play, pause, etc.) to control playback of a presentation. Fullerton does not, however, disclose building a streaming media component using a software player engine in accordance with a predefined design of the multiphase advertisement's graphical interface by which at least a set of core media player variables and a set of core media player controls are predefined, the streaming media component including a link to streaming media content, as recited in independent claim 1.

Katinsky also does not disclose the above claim elements. In particular, Katinsky discloses a web page having a player for playing media objects, a sequencer which displays a play list that defines an order in which media objects are played by the player, and a media access area for containing a plurality of graphical icons. Katinsky does not, however, disclose a multiphase advertisement or any of the other claim elements of claim 1.

Gasper also does not disclose the claim elements of claim 1. Gasper discloses a power management architecture for an electrical power distribution system. Gasper does not, however, disclose a multiphase advertisement or any of the other claim elements of claim 1.

As a result, claim 1, and the claims that depend from claim 1, are allowable over the cited art, either alone or in combination. Further, independent claim 33 is also allowable over the cited art for the reasons described above.

Independent claim 21 claims, in part:

providing a first phase of a graphical interface comprising dimension information and including at least a first interactive component for triggering a second phase, the graphical interface having a first dimension in the first phase, the first dimension defined by the dimension information;

providing a second phase of the graphical interface that is launched in response to interaction with the first interactive component, in the second phase the graphical interface having a second dimension that is different than the first dimension of the graphical interface and a streaming media component space, the second dimension defined by the dimension information;

The Office Action states that Barrett does not "explicitly disclose a first interactive component for triggering a second phase" and relies on Katinsky to cure the deficiencies of Barrett. Katinsky does not cure the deficiencies of Barrett. The Office Action states (Page 13)

that Katinsky discloses “a first interactive component (button) that triggers a second phase of playing a video” (col. 10, lines 52-64). Applicant respectfully disagrees. Katinsky discloses buttons, but Katinsky’s buttons are not a first interactive component of a first phase of a graphical interface for triggering a second phase, as claimed in independent claim 21. Further, Katinsky does not disclose a second phase of the graphical interface that is launched in response to interaction with the first interactive component, as recited in independent claim 21. Also, Katinsky does not disclose a graphical interface comprising dimension information which is used to define the dimensions of the first phase and the second phase of the graphical interface.

As a result, independent claim 21, and the claims that depend from claim 21, are allowable over Katinsky, alone or in combination with Barrett or any other art of record. Further, independent claim 34, and the claims that depend from independent claim 34, are also allowable over the cited art for the reasons described above.

Further, independent claim 43 recites, in part:

- dimension information;
- a first phase of the single multiphase interactive advertisement that is incorporated into a web page, in the first phase a vector-based graphical animation runs in the multiphase interactive advertisement's graphical interface upon launch of the web page, the graphical interface having a first dimension in the first phase, the first dimension defined by the dimension information;
- a second phase that is launched upon completion of the vector-based graphical animation of the first phase, in the second phase the single multiphase interactive advertisement's graphical interface has a second dimension that is smaller than the first dimension of the first phase, the second dimension defined by the dimension information, and in the second phase the graphical interface includes a toolbar for permitting a user to interact with the second phase of the single multiphase interactive advertisement;
- a third phase in which the single multiphase interactive advertisement's graphical interface includes at least a streaming media component space, and in the third phase the graphical interface has a dimension that is larger than the second dimension of the second phase and defined by the dimension information; and ...
- wherein the third phase of the single multiphase interactive advertisement is triggered by an action performed on the second phase of the single multiphase interactive advertisement.

The Office Action states that Barrett in view of Katinsky disclose these claim elements. Applicant respectfully disagrees. As stated above, neither Barrett nor Katinsky disclose a single multiphase interactive advertisement which contains a first phase, a second phase, and a third

phase. Further, neither Barrett nor Katinsky disclose in the first phase a vector-based graphical animation that runs in the multiphase interactive advertisement's graphical interface upon launch of the web page, a second phase that is launched upon completion of the vector-based graphical animation of the first phase, and a third phase in which the single multiphase interactive advertisement's graphical interface includes at least a streaming media component space, wherein the third phase of the single multiphase interactive advertisement is triggered by an action performed on the second phase of the single multiphase interactive advertisement. As a result, independent claim 43 is allowable over Katinsky, alone or in combination with Barrett or any other art of record.

Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney. Alternatively, since it is believed that the claims of the present application are in condition for allowance, the Examiner is respectfully requested to issue a Notice of Allowance at the Examiner's earliest convenience.

The Applicant's attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,

Date: June 12, 2009

/james j decarlo/
James J. DeCarlo
Reg. No. 36,120

Customer Number 76058
GREENBERG TRAURIG, LLP
Met Life Building
200 Park Avenue, 20th Floor
New York, New York 10166
Phone: (212) 801-9200
Fax: (212) 801-6400